

Notice of Allowability**Application No.**

10/550,700

Applicant(s)

MANZO, SCOTT E.

Examiner

JENNIFER L. HORNBERGER

Art Unit

3734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to claims filed 09/27/2005.
2. ☒ The allowed claim(s) is/are 1-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 09/27/2005
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 03/26/2009.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/J. L. H./
Examiner, Art Unit 3734

/Todd E Manahan/
Supervisory Patent Examiner, Art Unit 3734

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kimberly Perry on 03/26/09.

The application has been amended as follows:

In claim 26, line 10: after "withdrawing" please delete "the"

In claim 28, line 2: after "flange includes a plurality" please delete "opening" and insert -- openings --.

2. The following is an examiner's statement of reasons for allowance:

Regarding claims 1, 8, 18, and 28, Gordon et al. (US 6,346,111) disclose a device for joining a first body vessel with a second body vessel, comprising: a cartridge, the cartridge including a body having a distal end and a plurality of longitudinal channels defined in the body, each longitudinal channel being open on said body at said distal end, a plurality of drive wires (pusher) adapted to be received in said longitudinal channels, a plurality of needle anchors (10) adapted to be seated within a respective one of said channels, each needle anchors having a pointed distal end; a plurality of sutures, wherein each respective suture of said plurality of sutures is secured to one of said needle anchors (Fig. 1A-H). Gordon et al. fails to disclose or fairly suggest an anchor fitting having a flange including a plurality of holes therethrough.

Regarding claims 1, 8, 18, and 28, Whitin et al. (US 6,190,396) disclose a device for joining a first body vessel with a second body vessel, comprising: an anchor fitting (33), a cartridge (20), the cartridge including a body having a distal end and a plurality of longitudinal

channels defined in the body (Fig. 9), each longitudinal channel being open on said body at said distal end, a plurality of drive wires (152) adapted to be received in said longitudinal channels, a pusher (150) adapted to push the suture out of the cartridge, a plurality of sutures (70) (Fig. 5-6). Whitin et al. fails to disclose or fairly suggest a plurality of needle anchors and the suture threaded through an aperture of said cartridge.

None of the prior art disclose or fairly suggest an anchor fitting comprising a plurality of holes, a plurality of suture threaded through the holes and back through the aperture of the cartridge in combination with a plurality of needle anchors attached to the plurality of sutures and adapted to be pushed out the channels of the cartridge.

Regarding claim 26, Nash et al. (US 6,017,352) disclose a method of approximating a first body vessel with a second body vessel, comprising inserting an anchor fitting (60) of an anastomosis device into the first body vessel (12), passing an instrument (86) into the second body vessel (10), coupling the instrument to the anastomosis device within the second body vessel so that the connector (64) is within the second body vessel (10), and withdrawing sutures (66A) proximally, the sutures threaded through the anchor fitting so that the connector (22) and anchor fitting (60) are moved toward one another (col. 8-9). The prior art fails to disclose or fairly suggest deploying needle anchors, the sutures being attached to needle anchors, and drawing the sutures proximally to bring the needle anchors and the anchor fitting toward one another.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JENNIFER L. HORNBERGER whose telephone number is (571)270-3642. The examiner can normally be reached on Monday through Friday from 8am-5pm, Eastern time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Manahan can be reached on (571)272-4713. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

jlh
03/26/2009

/Todd E Manahan/
Supervisory Patent Examiner, Art Unit 3734